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In re Application of	:	
BLAKE et al	:	DECISION ON
Application No.: 09/367,261	:	
PCT No.: PCT/GB98/00461	:	PETITION
Int. Filing Date: 13 February 1998	:	
Priority Date: 13 February 1997	:	UNDER 37 CFR 1.181, 1.47(a)
Attorney's Docket No.: 39-187	:	
For: DRUG TARGETING	:	and 1.137(b)

This decision is in response to the "fax transmission- Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b) " faxed on 01 November 2001 which is also being treated as a petition under 37 CFR 1.181, requesting that a date of 10 August 2001 be accorded to the 37 CFR 1.137(b) petition and the executed declaration as the date of deposit with the USPTO.

BACKGROUND

In a decision from this Office on 10 August 2001, the petition filed under 37 CFR 1.47(a) on 28 February 2000 was dismissed. The decision indicated that the forms submitted did not satisfy the requirements of section 409.03(d) because a complete copy of the application did not appear to have been mailed to the nonsigning inventors for reviewing and signing. In addition, the declaration section of the Legal Representative of Ged Adams(his wife) should have had the same block layout as the inventor's section and it must have provided the following information of Mrs. Adams' (legal representative): residence(city), country, post office address, and zip code.

On 27 September 2001, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT," which indicated that applicant had failed to respond to the decision mailed June 12, 2000; accordingly the application was abandoned.

In response to the "NOTIFICATION OF ABANDONMENT" mailed 27 September 2001, petitioner alleges that a Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) and an executed declaration was filed on 10 August 2001.

On 27 July 2001, petitioner submitted the instant facsimile, which included copies of the papers filed on 10 August 2001. In support of the request, petitioner has provided a copy of the returned/stamped receipt card acknowledging a receipt date of 10 August 2001.

I. PETITION UNDER 37 CFR 1.181

The postcard lists the items submitted on 10 August 2001.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that an executed declaration (14 pages) and a Petition for Revival of an Application for Patent Abandoned Unintentionally were deposited with the Patent and Trademark Office on 10 August 2001.

The petition under 37 CFR 1.181 is **GRANTED**.

II. PETITION UNDER 37 CFR 1.47(a)

The petition states that after the prior petition under 37 CFR 1.47(a) was filed 28 February 2000, "circumstances surrounding this case have changed such that all of the inventors have signed the declaration. Copies of the declaration executed by all of the inventors are submitted herewith"

Accordingly, the declaration submitted on 10 August 2001 complies with 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is **MOOT**.

III. PETITION UNDER 37 CFR 1.137(b)

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b). Further, a review of the application reveals that the requirements under 35 U.S.C. 371 for entry into the national stage in the US have been satisfied.

The petition under 37 CFR 1.137(b) is **GRANTED**.

DECISION

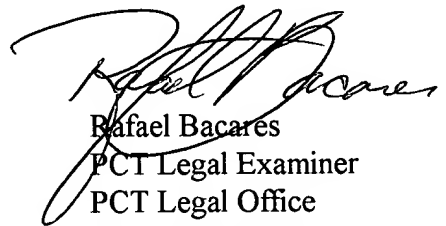
The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of **10 August 2001**.



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